

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 14, 2011
POSITION: Neutral

BILL NUMBER: SB 28
AUTHOR: J. Simitian

BILL SUMMARY: Vehicles: Electronic Wireless Communications Devices

This bill would: increase fines for driving while using a handheld cell phone or texting, apply the ban against texting to bicyclists, provide that driving while using a handheld cell phone or texting is a primary offense for drivers under 18 years of age, provide that a point shall be assigned to a driver's license for a second or subsequent conviction of driving while using a handheld wireless communications device to talk or text, and require that \$10 of each fine be deposited in a new fund to be used by the Office of Traffic Safety for education programs on the dangers of cell phone use and text messaging while driving. The bill would require the Department of Motor Vehicles to add dangers of cell phone use and text messaging to the list of items that must be on an examination for a driver's license. The bill also would allow the courts to retain part of the fine as reimbursement for costs associated with processing violations.

FISCAL SUMMARY

The Department of Motor Vehicles (DMV) estimates no costs because DMV already has a test question about distracted driving.

The Judicial Council estimates \$150,000 to \$300,000 in programming costs to process violations associated with the use of handheld communication devices while bicycling, which could be recovered through the authority to retain a portion of the penalties as reimbursement for court costs.

The bill would generate unknown revenue to be used by the Office of Traffic Safety (OTS) for education programs. OTS costs would be variable depending on the design of the education program. Costs would range from minor and absorbable for a media program to \$87,000 in personal services costs to administer a new grant program.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the March 23, 2011 version are minor and do not alter our position.

COMMENTS

Finance is neutral on the bill because enhanced penalties for certain distractions could increase the safety of California drivers.

In January 2010, the Federal Motor Carrier Safety Administration instituted a ban against texting while driving commercial trucks, subject to a fine of up to \$2,750 for violation of the ban. Seven states have banned driving while talking on a hand-held cell phone, and text messaging is banned for all drivers in 24 states.

It is unknown how much revenue would result from dedicating \$10 of each fine for hand-held cell phone use or texting to a new fund. These revenues would be subject to future appropriations to OTS for a grant

Analyst/Principal (0744) J. Gregg	Date	Program Budget Manager Mark Hill	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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program. OTS has experience in managing grants for programs that promote state and local highway safety programs.

Related Legislation:

Chapter 290, Statutes of 2006 (SB 1613/Simitian), made it an infraction to operate a motor vehicle while using a wireless telephone without a hands free device.

Chapter 270, Statutes of 2008 (SB 28/Simitian), made it an infraction to use an electronic device to text while driving.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code
0250/Jud Branch	SO	No	C	\$0	C	\$150 - 300		--	0932
2700/Traffic Safe	LA	No		-----	See Fiscal Summary	-----			0799
2700/Traffic Safe	SO	No		-----	See Fiscal Summary	-----			0799
2740/DMV	SO	No		-----	No Fiscal Impact	-----			0044
5900/Other Recpt	RV	No		Unknown Revenues from Dedicated Fee					0799
<u>Fund Code</u>	<u>Title</u>								
0044	Motor Vehicle Account, STF								
0799	Pending New Non-Governmental Funds								
0932	Trial Court Trust Fund								